



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2024–0133; FXES11140800000-223-FF08ECAR00]

Incidental Take Permit Application for the Quino Checkerspot Butterfly and Western Spadefoot; Draft Habitat Conservation Plan and Draft Environmental Assessment; Alpine Park Project, Community of Alpine, San Diego County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from the County of San Diego for an incidental take permit under the Endangered Species Act. If granted, the permit would authorize take of the Quino checkerspot butterfly (*Euphydryas editha quino*), federally listed as endangered, and the western spadefoot (*Spea hammondi*), an amphibian species federally proposed as threatened, incidental to otherwise lawful activities associated with construction and operation of a 25-acre active recreation park and habitat restoration and management within mitigation areas associated with the project. We invite comments from the public and local, State, Tribal, and Federal agencies on the applicant's draft habitat conservation plan and the draft environmental assessment, which we have prepared pursuant to the National Environmental Policy Act. We will take comments into consideration before deciding whether to issue an incidental take permit.

DATES: *Submitting Comments:* We must receive any written comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: *Obtaining Documents:* The application, application supporting materials, and any comments and other materials that we receive will be available for public

inspection at <https://www.regulations.gov> in Docket No. FWS–R8–ES–2024–0133.

Submitting Written Comments: You may submit your written comments using one of the following methods:

Online: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–R8–ES–2024–0133.

U.S. mail: Public Comments Processing, Attn: Docket No. FWS–R8–ES–2024–0133; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on <https://www.regulations.gov>. This generally means that we will post online any personal information that you provide. We request that you submit comments by only one of the methods above. For additional information about submitting comments, see **Public Availability of Comments** under

SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: Eric Porter, Fish and Wildlife Biologist, by email at eric_porter@fws.gov or via phone at 442–287–2203. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We have received an application from the County of San Diego (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential take of the Quino checkerspot butterfly (*Euphydryas editha quino*), federally listed as endangered, and the western spadefoot (*Spea hammondi*), an amphibian species federally proposed as threatened, incidental to otherwise lawful activities at the Alpine Park (project) site, as described in the applicant’s draft habitat

conservation plan (conservation plan). The proposed project would be located in the community of Alpine in San Diego County, California.

Background

Section 9 of the ESA (16 U.S.C. 1538) and Federal regulations promulgated pursuant to section 4(d) of the ESA (16 U.S.C. 1533) prohibit the take of endangered and threatened animals without special exemption. Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are set forth in title 50 of the Code of Federal Regulations (CFR) at part 17, sections 17.22 and 17.32.

The National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) requires Federal agencies to analyze their proposed actions to determine whether the actions may significantly affect the human environment. In the NEPA analysis, the Federal agency will identify the effects, as well as possible mitigation for effects on environmental resources, that could occur with the implementation of the proposed action and alternatives. The Federal action in this case is the Service's proposed issuance of an incidental take permit for the federally endangered Quino checkerspot butterfly and the federally proposed threatened western spadefoot.

Permit Application

The applicant has submitted a draft conservation plan that describes the activities that would be covered by the permit, including construction of the active recreation park and impacts associated with habitat maintenance and restoration. To minimize the risk of incidental take, the applicant would employ seasonal restrictions and preconstruction surveys and potential translocation. To mitigate the impact of the incidental take, the applicant proposes to protect and manage the 67.5-acre Alpine Park Preserve, enhance Quino checkerspot butterfly habitat, and create breeding pools for western spadefoot.

The draft conservation plan and the draft environmental assessment consider alternatives to the proposed action, including a no action alternative. The Service prepared a draft environmental assessment to evaluate the impacts of issuing the proposed incidental take permit on the human environment, consistent with the purpose and goals of NEPA and pursuant to the Council on Environmental Quality's implementing NEPA regulations at 40 CFR parts 1500 through 1508. Additionally, the draft environmental assessment was prepared consistent with the Department of the Interior's NEPA regulations (43 CFR part 46); longstanding Federal judicial and regulatory interpretations; and Administration priorities and policies, including Secretary's Order No. 3399.

Public Availability of Comments

All comments and materials we receive will become part of the decision record associated with this action. If you submit a comment via <https://www.regulations.gov>, your entire comment, including any personal identifying information such as your address, phone number, and email address, will be posted on the website.

If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <https://www.regulations.gov>.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500 through 1508 and 43 CFR part 46).

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